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09/781,253	02/13/2001	Takumi Hasegawa	Q63086	8082

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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Washington, DC 20037

EXAMINER

DAY, HERNG DER

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/781,253	HASEGAWA, TAKUMI	
	Examiner	Art Unit	
	Herng-der Day	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's Amendment ("Amendment") to Office Action dated September 20, 2004, mailed December 20, 2004.

1-1. Claims 24-26 have been added. Claims 1-26 are pending.

1-2. Claims 1-26 have been examined and rejected.

Drawings

2. It appears that "OFRECEIVED MAIL", as shown in step S301 of FIG. 3, should be "OF RECEIVED MAIL".

Specification

3. The disclosure is objected to because of the following informalities:

Appropriate correction is required.

3-1. It appears that "the user terminal 1", as described in line 21 of page 16, should be "the user terminal 10".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5-1. Claim 15 recites the limitation "said data base" in lines 5-6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

5-2. Claim 16 recites the limitation "said data base" in line 9 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 9, 11-12, 17-18, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994.

7-1. Regarding claim 1, Matsuzaki et al. disclose a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (design information, FIG. 1);

correction data receiving means for receiving and storing (concept design CAD system 5, FIG. 1) correction data as said design data corrected by a user (customer requirement, FIG. 1) through said computer network (ordering-designing network, FIG. 1); and

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design assisting means for reflecting said correction data received by said correction data receiving means on product design (design department, FIG. 1).

7-2. Regarding claim 2, Matsuzaki et al. further disclose said design data is three-dimensional data (for example, 3D airplane drawings, FIG. 9).

7-3. Regarding claim 3, Matsuzaki et al. further disclose said design data publicizing means including

public design data prepared in advance to be publicized among said design data (design information, column 1, line 60 through column 2, line 8),

an editing program file for editing said public design data (the software supporting the “product specification defining system 1”, including the software supporting the “selective indication inputting means 11”, FIG. 1 and column 6, lines 15-34), and

a design data publicizing processing unit responsive to a request from a terminal (order window, column 5, lines 51-53) connected to said computer network for transferring said public design data and said editing program file to said terminal (customer inquiry processing unit 1-8, FIG. 2).

7-4. Regarding claim 4, Matsuzaki et al. further disclose said design data publicizing means including

public design data prepared in advance to be publicized among said design data (design information, column 1, line 60 through column 2, line 8),

an editing program file for editing said public design data (the software supporting the “product specification defining system 1”, including the software supporting the “selective indication inputting means 11”, FIG. 1 and column 6, lines 15-34), and

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a design data publicizing processing unit responsive to a request from a terminal connected to said computer network for transferring said public design data and said editing program file to said terminal (customer inquiry processing unit 1-8, FIG. 2), and wherein said editing program file enables editing of three-dimensional data (for example, 3D airplane drawings, FIG. 9).

7-5. Regarding claim 9, Matsuzaki et al. further disclose said design data publicizing processing unit including

information entry selecting means allowing a user to select either information entry in the form of a menu or transfer of said public design data and said editing program file (Menu selection, FIG. 4).

7-6. Regarding claim 11, Matsuzaki et al. disclose a user's request reflecting design method of timely and accurately reflecting users' requests on a product, comprising the steps of:

publicizing design data to users through a computer network (design information, FIG. 1);

receiving correction data as said design data corrected by a user (customer requirement, FIG. 1) through said computer network (ordering-designing network, FIG. 1); and

reflecting said correction data received on product design (design department, FIG. 1).

7-7. Regarding claim 12, Matsuzaki et al. further disclose said design data publicizing step including the step of

in response to a request from a terminal connected to said computer network, transferring public design data prepared in advance to be publicized among said design data (design information, column 1, line 60 through column 2, line 8) and an editing program file for editing

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said public design data (the software supporting the “product specification defining system 1”, including the software supporting the “selective indication inputting means 11”, FIG. 1 and column 6, lines 15-34) to said terminal (order window, column 5, lines 51-53).

7-8. Regarding claim 17, Matsuzaki et al. disclose a server of a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (design information, FIG. 1); and

correction data receiving means for receiving correction data as said design data corrected by a user through said computer network (customer requirement, FIG. 1) and storing said correction data so as to be usable by design assisting means for reflecting said correction data on product design (design department, FIG. 1).

7-9. Regarding claim 18, Matsuzaki et al. further disclose said design data publicizing means including

public design data prepared in advance to be publicized among said design data (design information, column 1, line 60 through column 2, line 8),

an editing program file for editing said public design data (the software supporting the “product specification defining system 1”, including the software supporting the “selective indication inputting means 11”, FIG. 1 and column 6, lines 15-34), and

a design data publicizing processing unit (customer inquiry processing unit 1-8, FIG. 2) responsive to a request from a terminal connected to said computer network for transferring said public design data and said editing program file to said terminal (order window, column 5, lines 51-53).

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7-10. Regarding claim 23, Matsuzaki et al. further disclose said design data publicizing processing unit including

information entry selecting means allowing a user to select either information entry in the form of a menu or transfer of said public design data and said editing program file (Menu selection, FIG. 4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-8, 10, 13-16, 19-22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994, in view of Suda et al., U.S. Patent 6,279,000 B1 issued August 21, 2001, and filed December 29, 1997.

9-1. Regarding claims 5, 7, and 10, Matsuzaki et al. disclose a user's request reflecting design system in claim 1. Matsuzaki et al. fail to expressly disclose (1) said correction data receiving means including a data base for registering said correction data, and a received mail processing unit for receiving an electronic mail to which said correction data is attached and registering and storing said correction data in said data base; and (2) said received mail processing unit classifying said correction data attached and registering said correction data in said data base based on personal information of a user recited in said electronic mail.

Suda et al. disclose an information processing apparatus that can reduce the operating load placed on a user when effective information is to be extracted from information that is input (column 1, lines 36-40). When electronic mail is received, the content of the electronic mail is analyzed. An item concerning a schedule is extracted from the analysis results and stored as a user's schedule in a database employed for the storage of schedule data (Abstract). In other words, by analyzing the received electronic mail, specific items (e.g., concerning a schedule) are extracted, classified, registered, and stored (e.g., stored as a user's schedule in a database).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of Suda et al. to obtain the invention as specified in claims 5, 7, and 10 because by incorporating Suda's information processing apparatus the operating load placed on a designer would be reduced when effective information is to be extracted from information that is input (column 1, lines 36-40).

9-2. Regarding claim 6, the system claim includes combined system limitations of claims 3 and 5 and is unpatentable using the same analysis of claims 3 and 5.

9-3. Regarding claim 8, the system claim includes combined system limitations of claims 3 and 7 and is unpatentable using the same analysis of claims 3 and 7.

9-4. Regarding claims 13 and 15, Matsuzaki et al. disclose a user's request reflecting design method in claim 11. Matsuzaki et al. fail to expressly disclose (1) said correction data receiving step including the step of receiving an electronic mail to which said correction data is attached and registering said correction data in a data base for registering said correction data; and (2)

classifying said correction data attached and registering said correction data in said data base based on personal information of a user recited in said electronic mail.

Suda et al. disclose an information processing apparatus that can reduce the operating load placed on a user when effective information is to be extracted from information that is input (column 1, lines 36-40). When electronic mail is received, the content of the electronic mail is analyzed. An item concerning a schedule is extracted from the analysis results and stored as a user's schedule in a database employed for the storage of schedule data (Abstract). In other words, by analyzing the received electronic mail, specific items (e.g., concerning a schedule) are extracted, classified, registered, and stored (e.g., stored as a user's schedule in a database).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of Suda et al. to obtain the invention as specified in claims 13 and 15 because by incorporating Suda's information processing apparatus the operating load placed on a designer would be reduced when effective information is to be extracted from information that is input (column 1, lines 36-40).

9-5. Regarding claim 14, the method claim includes combined method limitations of claims 12 and 13 and is unpatentable using the same analysis of claims 12 and 13.

9-6. Regarding claim 16, the method claim includes combined method limitations of claims 12 and 15 and is unpatentable using the same analysis of claims 12 and 15.

9-7. Regarding claims 19 and 21, Matsuzaki et al. disclose a server of a user's request reflecting design system in claim 17. Matsuzaki et al. fail to expressly disclose (1) said correction data receiving means including a data base for registering said correction data, and a

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received mail processing unit for receiving an electronic mail to which said correction data is attached and registering and storing said correction data in said data base; and (2) said received mail processing unit classifying said correction data attached and registering said correction data in said data base based on personal information of a user recited in said electronic mail.

Suda et al. disclose an information processing apparatus that can reduce the operating load placed on a user when effective information is to be extracted from information that is input (column 1, lines 36-40). When electronic mail is received, the content of the electronic mail is analyzed. An item concerning a schedule is extracted from the analysis results and stored as a user's schedule in a database employed for the storage of schedule data (Abstract). In other words, by analyzing the received electronic mail, specific items (e.g., concerning a schedule) are extracted, classified, registered, and stored (e.g., stored as a user's schedule in a database).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of Suda et al. to obtain the invention as specified in claims 19 and 21 because by incorporating Suda's information processing apparatus the operating load placed on a designer would be reduced when effective information is to be extracted from information that is input (column 1, lines 36-40).

9-8. Regarding claim 20, the server claim includes combined server limitations of claims 18 and 19 and is unpatentable using the same analysis of claims 18 and 19.

9-9. Regarding claim 22, the server claim includes combined server limitations of claims 18 and 21 and is unpatentable using the same analysis of claims 18 and 21.

9-10. Regarding claim 23, Suda et al. further disclose:

an electronic mail, to which said correction data is attached, is received at said correction data receiving means, said electronic mail comprising personal information of the user (For example, user's address is personal information).

9-11. Regarding claim 24, Suda et al. further disclose comprising:

receiving an electronic mail to which said correction data is attached, said electronic mail comprising personal information of the user (For example, user's address is personal information).

9-12. Regarding claim 25, Suda et al. further disclose:

an electronic mail, to which said correction data is attached, is received at said correction data receiving means, said electronic mail comprising personal information of the user (For example, user's address is personal information).

Applicant's Arguments

10. Applicant argues the following:

(1) "Berger does not discuss design assisting means utilizing correction data received by correction data receiving means, as claimed" (page 16, paragraphs 1, Amendment).

(2) "There is no mention in Berger of transferring an editing program file to a terminal" (page 16, paragraph 2, Amendment).

(3) "Berger's e-mail does not have correction data attached and is not stored in a data base in correction data receiving means" (page 17, paragraph 1, Amendment).

Response to Arguments

11. Applicant's arguments have been fully considered.

11-1. Applicant's arguments (1) - (3) are moot in view of the new ground(s) of rejection. The rejections of claims 1-23 under 35 U.S.C. 102(e) in Office Action dated September 20, 2004, have been withdrawn.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Abraham et al., U.S. Patent 5,570,292 issued October 29, 1996, is cited as disclosing an integrated method for selecting, ordering and manufacturing art glass panels.

Reference to Hussey, U.S. Patent 5,826,269 issued October 20, 1998, is cited as disclosing an electronic mail interface.

Reference to Chan et al., "A Solid Modeling Library for the World Wide Web", Computer Networks and ISDN Systems, Volume 30, Issue 20-21, November 1998, pages 1853-1863, is cited as disclosing a furniture shopping applet allowing a user to browse pieces of furniture over the WWW using a Java enabled browser and make changes to the furniture.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day *H.D.*
May 2, 2005

Thai Phan
Thai Phan
Primary Examiner
AU: 2128